THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.20708 of 1998

Dated:06.06.2007

Between
M.S.Balakrishna

.....Petitioner

and

1.The Vice Chairman and Managing Director, APSRTC, Hyderabad and Others.

…Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.20708 of 1998

ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the respondents in not appointing the petitioner as Conductor Grade III as arbitrary and illegal and consequently to direct the respondents to appoint the petitioner forthwith as Conductor Grade III.

It is the case of the petitioner that he studied M.A. M.Ed., and passed Typewriting English Higher Grade. He also registered his name with the Employment Exchange at Chittoor. His name was sponsored by the Employment Exchange to APSRTC, Tirupathi Region for appointment to the post of Conductor Grade III. He received a call letter

and was asked to bring all the certificates for interviews to be conducted from 21.8.1997 to 23.8.1997 and he attended the interview. There are 300 vacancies and the petitioner was sure of his selection because of his academic qualifications since selection was based on the academic qualifications only. The petitioner learnt that he secured nearly 90 marks out of 100. But to his surprise he was not appointed. Hence, this writ petition. It is his contention that he worked during the NGO's strike as Junior Clerk/Typist in the year 1986. The Government has issued G.O.Ms.No.69 GAD dated 18.2.1987 ordering that persons who have worked during the strike period shall be given preference in the matter of employment in all Government services as well as Public Sector undertaking in the State. Further, as per Section 34 of the Road Transport Act, 1950 all the directions issued by the Government are binding on the RTC. In spite of this, his case was not properly

considered.

A detailed counter-affidavit has been filed by the respondents denying the allegations made by the petitioner. It is stated that in response to the requisition made by the Corporation as many as 6507 candidates including 1661 women candidates have applied. In addition to the said candidates, 127 candidates were also considered as per the directions of this Court. The eligibility criteria for the selection to the posts of conductors Grade III is that the candidate should have passed SSC Examination, must be between the age group of 21 and 35 years and the minimum requirement of height is 153 CMs. The petitioner was interviewed along with others on 8.4.1986 and he was not selected since the last person selected among the OC candidates scored 76.8% in the SSC Examination including bonus marks and whereas the petitioner secured only 63.2% (47.2 + 16 bonus marks) and as such he was

not selected. Further, the instructions issued by the Government vide G.O.Ms.No.69 GAD dated 18.2.1987 are not applicable and not binding on APSRTC.

It appears that the case of the petitioner was considered along with others and he was not selected and the claim of the petitioner that he is entitled for preferential treatment as per GO has no basis since it is not applicable to the APSRTC and the same is not adopted. The petitioner was 30 years at the time of filing of the writ petition. Now, he is more than 40 years and unfit to be considered for the post of conductor. Therefore, the writ petition is devoid of merits and is liable to be dismissed.

Writ petition is accordingly dismissed. No costs.

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06-06-2007

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